

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

BRIAN C. SMITH,

Plaintiff,

v.

**JIM FULCHER, Deputy U.S. Marshal,
and UNITED STATES MARSHALS
SERVICE,**

Defendants.

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CIVIL ACTION NO. 1:20-CV-101

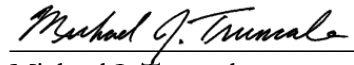
ORDER ADOPTING REPORT AND RECOMMENDATION AND OF DISMISSAL

The Court referred this matter to United States Magistrate Judge Keith F. Giblin for consideration and recommended disposition of case-dispositive pretrial motions. Judge Giblin issued a Report and Recommendation (Doc. No. 6) in which he recommended that the Court dismiss the *pro se* plaintiff's claims without prejudice for lack of jurisdiction. Judge Giblin made this recommendation pursuant to the *sua sponte* screening authority granted by the *in forma pauperis* statute, 28 U.S.C. § 1915(e)(2).

The plaintiff received a copy of the report by certified mail. He has not filed objections to the magistrate judge's report. Having considered the recommendation of the magistrate judge and conducted a *de novo* review pursuant to 28 U.S.C. § 636 and Federal Rule of Civil Procedure 72, the Court agrees with Judge Giblin's findings and conclusions. It is therefore **ORDERED** that the report and recommendation of the magistrate judge (Doc. No. 6) is **ADOPTED**. The Court **ORDERS** that the plaintiff's claims are **DISMISSED** in their entirety, without prejudice, for lack of subject matter jurisdiction and pursuant to the screening authority provided by 28 U.S.C.

§ 1915(e)(2). Any pending motions are **DENIED** as moot. The Clerk is directed to close this case.

SIGNED this 14th day of May, 2020.

A handwritten signature in cursive script, reading "Michael J. Truncale", positioned above a horizontal line.

Michael J. Truncale
United States District Judge